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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

WILLIAM GRANT CROOKS,

           Petitioner,

      v.

SARLA GNANAMUTHU,
Medical Director, Patton State
Hospital,

           Respondent.

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Case No. EDCV 10-00033 VAP (JCG)

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE AND
DENYING CERTIFICATE OF
APPEALABILITY**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the

Magistrate Judge's Report and Recommendation, and the remaining record. No

objections to the Report and Recommendation have been filed. The Court

approves and adopts the Magistrate Judge's Report and Recommendation.

Accordingly, IT IS ORDERED THAT:
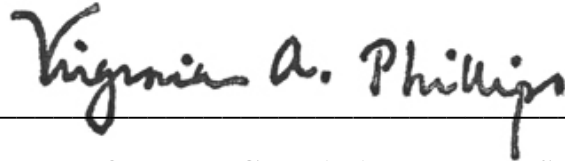
(1) the Report and Recommendation is approved and adopted;

(2) Judgment be entered denying the Petition and dismissing this action

without prejudice; and

(3) the Clerk serve copies of this Order and the Judgment on the parties.

Additionally, for the reasons stated in the Report and Recommendation, the

Court finds that Petitioner has not shown that jurists of reason would find it

1   debatable whether the Court was correct in its procedural ruling or whether the

2   petition states a valid claim of the denial of a constitutional right. As a result, a

3   Certificate of Appealability ("COA") is denied. *Slack v. McDaniel*, 529 U.S. 473,

4   484 (2000) (holding that when a court dismisses a petition on procedural grounds,

5   a COA should issue only when "a prisoner shows, at least, that jurists of reason

6   would find it debatable whether the petition states a valid claim of the denial of a

7   constitutional right *and* that jurists of reason would find it debatable whether the

8   district court was correct in its procedural ruling") (emphasis added).

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10 DATED: _____   December 14, 2010

        _____

11   HON. VIRGINIA A. PHILLIPS

12   UNITED STATES DISTRICT JUDGE

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